

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

EDWARD SPENCE,)	
)	
Plaintiff,)	Case No.
)	
vs.)	
)	COMPLAINT
GC SERVICES, LP)	
)	JURY TRIAL REQUESTED
Defendant.)	

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy ancillary to Defendant's collection efforts.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Edward Spence, is a natural person residing in Oklahoma County, and is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).

4. At all relevant times herein, Defendant, GC Services, LP, ("Defendant") was a limited liability company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a "debt," as defined by 15 U.S.C. §1692a(5). Defendant regularly attempts to collect debts alleged to be due another, and therefore is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

5. At various and multiple times prior to the filing of the instant complaint, including within the one hundred twenty days preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant's conduct violated the FDCPA in multiple ways, including but not limited to:

- a) Using language the natural consequence of which is to harass or abuse Plaintiff, including telling Plaintiff to "shut your big fat mouth" because it is "spewing garbage." (§ 1692d(2));
- b) In connection with collection of an alleged debt from Plaintiff, communicating repeatedly with third parties for purposes other than obtaining location information about Plaintiff (§ 1692c(b) & § 1692b(1)(2)(3));
- c) Threatening to take actions that cannot legally be taken or that are not intended to be taken, including threatening to sue Plaintiff, and to continue to call third parties that Defendant cannot legally call more than once (§ 1692e(5) & § 1692b(3)).

6. Defendant's aforementioned violations of the FDCPA also constitute an invasion of Plaintiff's right to privacy, causing injury to Plaintiff's feelings, mental anguish and distress.

COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT

7. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,

E. For such other and further relief as may be just and proper.

COUNT II: COMMON LAW INVASION OF PRIVACY BY INTRUSION

8. Plaintiff reincorporates by reference all of the preceding paragraphs.

9. Defendant's aforementioned violations of the FDCPA also constitute an intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable person. Plaintiff had a subjective expectation of privacy in the context of Defendant's actions that was objectively reasonable under the circumstances.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages
- B. Punitive Damages; and,
- C. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Respectfully submitted this 28th day of July, 2008

By: s/William Oldfield
William Oldfield OBA 20798
WEISBERG & MEYERS, LLC
433 W. Wilshire, Ste A
Oklahoma City, OK 73116
866 775 3666 ext 218
866-565-1327 facsimile
woldfield@AttorneysForConsumers.com
Attorneys for Plaintiff